In The Matter Of:

R.J. REYNOLDS TOBACCO COMPANY
MATTER NO. D09285

JERRY R. MOORE
Vol. 1, June 3, 1998

For The Record, Inc.
Court Reporting and Litigation Support
603 Post Office Road
Suite 309
Waldorf, MD USA 20602
(301) 870-8025 FAX: (301) 870-8333

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FEDERAL TRADE COMMISSION

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FEDERAL TRADE COMMISSION

In the Matter of:

R. J. Reynolds Tobacco Co., a corporation.) Matter No. D09285

Wednesday, June 3, 1998

Womble Carlyle Sandridge & Rice
200 West Second Street
Winston-Salem, NC 27102

The above-entitled matter came on for administrative deposition, pursuant to notice, at 8:25 a.m.

APPEARANCES:

ON BEHALF OF THE FEDERAL TRADE COMMISSION:

DAVID P. FRANKEL, Attorney
JILL E. SAMUELS, Attorney
Federal Trade Commission
6th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20580-0000
(202) 325-2812

ON BEHALF OF R. J. REYNOLDS:

JOHN B. WILLIAMS, Attorney
Collier, Shannon, Rill & Scott, PLLC
3050 K Street, N.W., Suite 400
Washington, D.C. 20007
(202) 342-8400

PROCEEDINGS

Whereupon --

JERRY R. MOORE,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. SAMUELS:

Q: Good morning again, Mr. Moore. I'm Jill Samuels. And this deposition is being conducted in connection with an administrative complaint issued by the Federal Trade Commission in the matter of R.J. Reynolds Tobacco Company, Docket Number 9285.

As I said, I'm Jill Samuels. I'm appearing as counsel supporting the complaint. Also with me is David Frankel, another attorney supporting the complaint.

You've already been sworn in. I'm going to ask you some questions today. I need you to answer them to the best of your recollection. Your answers will be recorded by the court reporter. I'd ask that you respond orally to my questions and speak clearly so that the court reporter can take down your responses. She can't record a nod or a shake of your head.

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A: Right.
Q: Okay. You are under oath, and you're required to provide truthful answers or to assert a valid privilege. Do you understand that?
A: I'm not sure I understand the valid privilege.
Q: That would be -
MR. WILLIAMS: I'll help you out on that, Jerry.
BY MS. SAMUELS:
Q: And your deposition may be used in this administrative proceeding and perhaps elsewhere. Do you understand that?
A: Yes.
Q: Your attorney may object to some of my questions. However, you still have to answer my questions unless your attorney instructs you not to. Do you understand that?
A: Yes.
Q: If I'm unclear at any time or if you don't understand my question, please let me know, and I'll try to clarify the question. Otherwise, I'll assume that you understand the question.
A: Okay.
Q: Also, if you don't know or don't remember

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the information necessary to answer the question, please tell me.
A: Yes.
Q: And, also, let me know whenever you need to take a break. And I'll find a convenient time to take it shortly thereafter. Okay?
A: Okay.
Q: Do you understand all the instructions I've just given you?
A: Yes.
Q: Is there anything you can think of that might affect your ability to understand or answer my questions today?
A: No.
Q: Okay. Is there any reason you can think of why you'll not be able to answer my questions fully and truthfully?
A: No.
Q: Please state and spell your full name for the record.
A: My name is Jerry Randall Moore. J-E-R-R-Y, R-A-N-D-A-L-L, M-O-O-R-E.
Q: And you also go by J.R. Moore at times?
A: Yes, I do.
Q: Are you aware of anyone else who's ever

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worked at Reynolds who's gone by the name of J.R. Moore?
A: No.
Q: When were you born?
A: I was born July 2nd, 1943.
Q: Have you ever been deposed prior to today's deposition?
A: No.
Q: Okay. What did you do to prepare for today's deposition?
A: Met with attorneys just to talk about the procedures and some of the areas that may be - I may be asked about today. That was -
Q: Which attorneys?
A: I met with John Villafranco.
MR. WILLIAMS: That's right.
BY MS. SAMUELS:
Q: Anyone else?
A: No one else, until I met John yesterday.
Q: Okay. And when did you meet with Mr. Villafranco?
A: I don't remember the exact dates, but it's been within the last couple of weeks.
Q: Was it last week?
A: I believe so.

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Q: And do you remember how long that meeting lasted?
A: Probably a couple of hours, about two hours.
Q: And then you met with Mr. Williams yesterday?
A: For about ten or fifteen minutes, yes.
Q: Did you meet with any other Reynolds employees to discuss today's deposition?
A: No.
Q: Did you meet with anyone else about this deposition?
A: No, I have not.
Q: Did you review any documents or other materials?
A: No, I haven't reviewed any.
Q: Have you prepared any documents or other material in preparation for this deposition?
A: Only - only a summary of work history.
Q: And when did you prepare that?
A: Over the weekend. This past weekend.
Q: Have you ever entered into any type of agreement with Reynolds regarding the confidentiality of information or material you obtain or see in connection with your job?
A: Yes. I do have a confidentiality agreement

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relating to competition.
Q: Did you sign that when you began your employment with Reynolds in 1971?
A: Yes.
Q: And have you signed any since then?
A: Not to my – no, I don't recall anything else since then.
Q: Is there any reason that such an agreement will affect your testimony here today?
A: No.
Q: What was your annual salary when you joined Reynolds in 1971?
MR. WILLIAMS: We're not going to get into that. If you want to call the judge, we'll call the judge. But let's move on.

BY MS. SAMUELS:

Q: Mr. Moore, will you answer my question?
A: I prefer not to.
Q: Will you give me a yes or no answer to see if you'll answer my question.
A: No.
Q: And what is your annual salary today?
MR. WILLIAMS: Same thing.
THE WITNESS: I'd rather not answer –
MR. WILLIAMS: Let's –

BY MS. SAMUELS:

Q: So, Mr. Moore, you won't answer that question either?
A: I don't want to discuss salary, no.
Q: Are you refusing to answer the question on the advice of your attorney?
A: Not entirely. I just – it's a personal question.
Q: Personal issues may be relevant to this case. So if you're not answering just because it's personal, that may not be good enough. If you're not answering on advice of your counsel, that's a different story.
A: It was really both. I was also advised not to answer the question.
Q: By Mr. Williams?
A: But I wouldn't want to answer the question, even without the advice, because salary is very personal to me.
Q: Okay. And were you advised that by Mr. Williams?
A: Yes.
MS. SAMUELS: And, Mr. Williams, are you instructing him not to answer any questions about his compensation?

MR. WILLIAMS: Yes.

BY MS. SAMUELS:

Q: Do you have any relatives that work for Reynolds?
A: No, I do not.
Q: Have you ever had any relatives that work for Reynolds?
A: Yes, I have.
Q: Who?
A: My wife worked for Reynolds.
Q: For –
A: For about 14 years, up until about – up until last year.
Q: And what was her position?
A: She was a consumer relations specialist.
Q: Anyone else in your family?
A: My son worked briefly for Reynolds for about a year in field sales.
Q: And when was that?
A: About two years ago.
Q: Anyone else?
A: No.
Q: Okay. And just so that you know, I will be using the term "Reynolds" throughout the deposition. That means R.J. Reynolds Tobacco Company. Do you

understand that?
A: Yes.
Q: Okay.
MS. SAMUELS: At this point, I'd like to have this marked as Moore Exhibit Number 1.
(Moore Deposition Exhibit No. 1 was marked for identification.)

BY MS. SAMUELS:

Q: Mr. Moore, I'm showing you a document that has been marked as Moore Exhibit Number 1.
A: Yes.
Q: And it is your resume.
A: Yes.
Q: I need to ask you some questions about it. And I apologize for this, but they're going to have to be fairly detailed questions. We do appreciate you providing it to us, but there are some more questions we need to ask about it.
And, also, last summer sometime we received sworn answers from Reynolds regarding your employment with Reynolds over – since 1971. And that was – it seemed to be a little more detailed than this. And some of the dates and positions don't exactly match up. So I am going to need to get into this in a pretty detailed fashion with you.

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Okay?
A: Okay.
Q: You began working for Reynolds in June of 1971?
A: Correct.
Q: And you were a statistician in marketing research?
A: I think that's correct. I don't remember the exact title, but that – that's my recollection.
Q: And you held that position until April of 1976; is that correct?
A: I believe so.
Q: Could you describe your responsibilities in that position for me.
A: My responsibilities were really to consult with and work with others in the marketing research department in terms of helping them to improve research design and analysis and starting incorporating more quantitative and analytical kinds of techniques into what we were doing in the department.
Q: Anything else?
A: That was really it. That was – it was a – an effort on the part of a – of marketing research management to improve the quality of – of the

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analyses that were being done.
Q: Had they employed statisticians prior to that period?
A: I believe there was a statistician within the company. He was not part of the marketing research department. He was actually in the engineering department, I believe, who was doing that on a part-time basis. And I believe the decision, when they hired me, was to have a full-time employee, too, to work on – in that regard.
Q: So you were the first statistician in the marketing research department full time?
A: Yes.
Q: Did any of your work at that point involve the Camel brand?
A: I wasn't really assigned to work on any particular brand. So we were doing analyses and research across all of the – all brands for the company. So I would imagine that some of it did. It was not a particular area of focus at that time. The focus at that time, I recall, was on Winston.
Q: So some of your research projects involved specific brands. What other areas did your research involve?

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A: I wasn't really assigned specific research –
MR. WILLIAMS: Object. Object. Hold it.
THE WITNESS: I'm sorry.
MR. WILLIAMS: Object. Mischaracterization of his testimony.

BY MS. SAMUELS:

Q: Did some of your research in that job involve specific brands?
A: Again, I wasn't assigned specific research projects. I was consulting with others who had specific research project assignments. And they would come to me for advice on designing research and how to go about the analysis and that type of support.
Q: Can you recall any projects you consulted on that involved the Camel brand?
A: I don't recall any specifically. It was a wide range of things, from forecasting to product research studies. Any kind of marketing research study that was being conducted potentially I could have been asked about. But not all of them. But I don't recall any specific Camel ones at that time.
Q: Did any of your work at that time involve younger adult smokers?

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A: No, it did not.
Q: Did any of your work at that time involve people under the age of 18?
A: At which time are you referring to?
Q: The period from 1971 to 1976.
A: I do not believe so, no.
Q: To whom did you report during that period?
A: The initial period at Reynolds I reported to John Saylor.
Q: Could you spell the last name for me, please.
A: S-A-Y-L-O-R. He was primarily responsible for sales research.
Q: Was that for the whole period from 1971 to 1976?
A: I believe so. I don't – I believe so. I don't recall the exact dates, but certainly for the first few years I was there.
Q: And to whom did Mr. Saylor report?
A: He reported to Mr. Ray Blevins, who was the head of marketing research.
Q: And was your next position statistical applications manager in marketing development?
A: That sounds right. I have trouble remembering the exact titles, but, yes, I believe

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that's correct.
Q: And did that job last from May 1976 to July 1977?
A: I believe that's correct.
Q: Could you describe your responsibilities in that position for me.
A: They were essentially the same as – as we've been discussing. The only difference was, by that time we had hired a couple of other individuals that were doing similar kind of work, and I was sort of managing – helping to manage the function. We kind of just expanded the role. But it was the same kind of work.
Q: Did any of your work during that period from May 1976 to July 1977 involve the Camel brand at all?
A: It certainly could have. I don't recall specific projects but certainly could have.
Q: Do you recall generally whether any of your work involved the Camel brand?
A: It certainly wasn't the focus of what we were doing.
Q: What was the focus? Do you remember?
A: A lot of our work was involved in improving our ability to analyze sales performance for the

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company and for all brands. A lot of the work was involved in projecting Winston's decline and what that meant to the company.
There was work involved in – we did a lot of merchandising testing – retail merchandising testing. It was more studies of that nature. And very little of it was brand specific.
And we worked with – we did a lot of work trying to improve our product research testing capabilities.
Q: Anything else?
A: That's most of what I recall about that period.
Q: Okay. Did any of your work during that period involve younger adult smokers?
A: No, it did not.
Q: Did any of your work during that period involve people under the age of 18?
A: No.
Q: And you mentioned that you supervised people when you were in that position?
A: Yes. We began – the department was expanding. We began to hire a few other individuals with a similar background to mine. And in addition to that, there was a period of time, as the

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department grew, where other marketing research individuals within the department were being rotated into various positions as a training exercise. And some of those may have at some point came under my training for a short period of time.
Q: Do you remember how many people you supervised during that period?
A: On a direct basis, it was probably three, no more than five probably. It would vary over time. But three to five individuals.
Q: Who were they?
A: The first gentleman that was hired to work with me was John Hribar. That's H-R-I-B-A-R. I believe the next individual that was hired was Dick Nordine. And then we hired Greg Totterdale. And then there were a couple of others that sort of came and went that didn't last – didn't stay very long with the company. I'm not sure I can even recall their names now.
Q: Can you remember anyone else?
A: Jim Gemma. I think there was some others later on but not during that period of time. Those were – those were the main ones.
Q: And to whom did you report during that period?

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A: I don't recall exactly when – when I was moved from reporting to John Saylor. We went through some reorganization and growth. For a brief period of time, I reported to Griff Harlow and, sometime later, Uzie Frydman. But the dates are very fuzzy to me.
Q: Would you spell Mr. Frydman's last name.
A: F-R-Y-D-M-A-N, I believe.
Q: Now, when you described your responsibilities, you mentioned that one of them was to improve the company's ability to analyze sales performance?
A: Correct.
Q: Could you explain to me what that means.
A: Well, at that point in time, about all we had available to us from a sales standpoint were our own shipments to retail, shipment volume and share of shipment information. And we were trying to do a better job of understanding that in terms of what that meant to company performance. This is very volatile information.
Q: Uh-huh. Did you recommend new ways to analyze sales performance?
A: Yes, we did.
Q: And what were those?

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A: Just generally some smoothing techniques and rolling averages of the data to smooth out some of the variation to better look at trends. Trending information rather than just looking at year-ago comparisons, things of that nature, to better understand what was happening on a trend performance basis to the business rather than just period to period.

Q: That would be rolling averages of the shipment data?

A: Shipment and share of shipment, as I mentioned.

Q: And you also mentioned retail merchandising testing?

A: Yes, retail merchandising testing.

Q: What's that?

A: There were many retail chains that were changing the way they displayed and merchandised cigarettes within the stores. And, of course, it's a very competitive situation with us and our competitors, too, in terms of how – how much space we have, what shelf location we have on the merchandising fixtures, and the location within the store, whether it's self-service or nonself-service.

And we were doing studies to better

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understand the impact of making those kinds of changes, how that affected our share of the market and our volume within the store relative to competition.

Q: Did that retail merchandising testing involve retail pack promotions at all?

A: It was not promotion testing. It was strictly just merchandising testing, changing the merchandising sets and locations at that time. It was not involving promotions.

Q: Okay. And it looks like your first position was in the marketing research and your second position was in marketing development. How were those departments different, or are they different?

A: It was a departmental name change. It was not a different department. I think it reflected some of the growth that I talked about in terms of some of the people and functions and became more functionalized. But it was the same department.

Q: And you mentioned that Griff Harlow, you may have reported to him for that period of time?

A: I think it was a very brief period of time, maybe even less than a year. It was part of the restructuring of the department for a while.

Q: Do you know who he reported to?

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A: He would have reported to the – to the head of the department at that time, which may have been – after Ray Blevins, it was Hudnell Christopher, I believe.

Q: And at a later point you reported to Mr. Frydman; is that correct?

A: Yes. And I don't recall exactly when he came with the company. But, yeah, when he joined the company, I was assigned to report to him.

Q: Okay. And who did he report to?

A: Again, he reported to the head of the department. And I think that – at that time, I believe it was Jim Stuart.

Q: Could you spell Stuart, please.

A: S-T-U-A-R-T.

Q: Thank you.

A: But I could have some of these dates a little wrong. It's a long time ago.

Q: That's fine. I just need your best recollection.

A: Yeah.

Q: From August 1977 to August 1980, you were group quantitative research manager; is that correct?

A: That's correct.

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Q: Was group quantitative research part of any particular department?

A: No. We were still in marketing – in marketing research. Again, it was – it was a small group. I think it was more just to reflect the level of involvement that we were starting to have throughout the marketing research department. It was not really a change. It was a reflection of the fact that we were more involved in taking on more responsibility within the research department. But it was a very similar role to what we had been doing.

Q: Could you be more specific in describing your responsibilities.

A: Well, again, it was really working with others within the department to improve our research. And we were starting to get very heavily involved with the forecast group, with product research. Certainly continuing with the sales analysis and the merchandising kind of research. Whatever – got involved in doing some test marketing, supporting that function.

So any of the traditional marketing research functions that existed, we were there to support and we would work with any and all of those.

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Q: What was the forecast group?
A: What was the forecast group?
Q: Uh-huh.
A: The forecasting had started to become a much more important function to the company from two standpoints. One was -- the key one that was starting to be very important at that time was to develop a production scheduling forecast, which was by individual brand SKU, or style, by week, by 80 public warehouses around the country.
And that was done for manufacturing and production scheduling purposes. It was also done to manage warehouse inventory levels to try to avoid out of stocks or having too much inventory and getting returned goods.
And to make sure that, you know, we were able to supply our retail customers in a timely fashion out there.
There had not been a production level forecast at that level within the company before. It was - it was primarily just being handled out of the manufacturing and distribution area with very little analytical kind of support behind it. So that was one of the key things that was under development.

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And then there was also more emphasis on company -- overall company planning, on an annual plan kind of standpoint, which really was to - was more for financial planning than any other purposes. Volume and share kinds of forecasting plans.
MR. WILLIAMS: Jerry, let's define SKU for the record.
THE WITNESS: It's a stock keeping unit, an individual -- very specific individual brand style.
BY MS. SAMUELS:
Q: Do you know what year the forecasting group was instituted?
A: It was started certainly in the - it actually existed - there was one individual doing kind of individual annual brand forecasts and so forth, not for manufacturing and distribution but just kind of overall for the company, when I joined the company. That was part of what John Saylor's role was.
Q: Was he the one individual you're referring to?
A: Yeah, he was the individual. And, of course, I reported to him and started getting involved with forecasting right from the very beginning.

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Then later there was a group formed, particularly as that role expanded and we got into the manufacturing and distribution forecast and all of the other areas that I just discussed. The group was made a separate and larger group just to deal with that function itself.
And John Hribar, one of the individuals that I mentioned - the first individual that I hired, went off to - out of my group to head up that area.
Q: Who else was in that group at that time?
A: A gentleman by the name of Phil Galyan.
Q: Could you spell his last name, please.
A: G-A-L-Y-A-N. There were others that - other research analysts that kind of rotated through in terms of training, and there were kind of a number of those. There were other individuals in the forecasting from time to time, and I don't remember the exact time periods. Bill Doten was one of those. He was - he had a lot of responsibility for the manufacturing production forecast area, for example.
Q: Were there other areas of forecasting, besides manufacturing and production?
MR. WILLIAMS: Would you be more specific?

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Forecasting what?
THE WITNESS: Yeah. I'm not sure I understand.
BY MS. SAMUELS:
Q: Well, you mentioned that Mr. Doten was responsible for the manufacturing area of forecasting.
A: Well, then there were the annual kind of volume share information that fed the financial area for financial planning. And that was more of what Phil Galyan was involved in. So it was kind of divided into two areas.
Q: Okay. Do you remember anyone else who was in the department at that time?
A: What specific time frame are we now talking about? I've lost track.
Q: August 1977 to August 1980.
A: I certainly remember other people having spent time in the forecast area, but I don't remember the exact dates. May have been later. It may have been after 1980, because it - I really don't recall. It's really hard to recall.
Q: Did any of your work during that period involve the Camel brand?
A: Nothing that I can remember specifically.

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no.
Q: Did any of your work during that period involve Reynolds cigarette brands?
A: Yes. I mean, obviously, most of what we did involved Reynolds cigarette brands in some way. As I mentioned, we were – most of our focus was on the analytical approach rather than – and quantitative methods that should be used in helping people to do things better more so than it was – we weren't focused on individual brands in terms of my involvement.
Q: Was anyone in the marketing research department at that time doing research specifically on the Camel brand?
A: There were individuals who were assigned to support individual brands from a marketing research role. So I'm sure there were. I don't remember exactly who was assigned to what role. And in some cases, they supported more than one brand from a research standpoint. For example, it might have been Winston and Camel, more than one brand.
Q: And there may have been times when you would have helped them develop projects – I'm just trying to understand how this worked.
MR. WILLIAMS: I'm going to ask for a more

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specific question.
She'll put a different question to you.
BY MS. SAMUELS:
Q: Would you have provided assistance to these people who were assigned to particular brands?
A: On occasion, yes, if we were asked to.
Q: What kind of assistance, generally?
A: Well, I can give you an example. Someone would come and say: We're going to do – we're hoping to be able to improve our product performance so we want to do a product test among adult smokers and, you know, how many – how many do we need to test the product in order to get a reliable answer? Sample size kinds of questions, methodology kinds of questions. Those kinds of issues.
I mean, it doesn't even have to be product specific. It could have been just general consulting kinds of things: If we did a test of this nature, how would you go about designing the test, what kind of sample size would you need, and then how would you analyze it to feel like we could make a conclusion or recommendations based on the results.
Q: Okay. Did any of your work at that time involve younger adult smokers?

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A: No, it did not.
Q: Did any of your work at that time involve people under the age of 18?
A: No.
Q: Did you supervise anyone during that period from August 1977 to August 1980.
A: Yes, I did.
Q: How many people?
A: Probably about the same number.
Generally it was a group of three to five people. I don't recall exactly when some of the individuals that we've already mentioned began to move out of that area and others began to come in.
But as I mentioned, John Hribar went to head the forecast group. Jim Gemma left my group to go head the product research group. Greg Totterdale moved out of that group – out of my group to go head up kind of a new brand research group.
So as those individuals came out, other individuals kind of came into the group on various occasions.
Diane Burrows came to work in my group for a period of time. I do not remember the exact dates. A fellow by the name of Micky Stentz was there for a while.

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Q: Would you spell his last name, please.
A: S-T-E-N-T-Z. Steve Perry, P-E-R-R-Y. And I'm sure there were some others, but I don't recall exactly.
And there were also just individuals within the marketing research department that would rotate through that area for three to six months sometimes at a time just for training.
Q: And to whom did you report during that period?
A: That was – we're talking '70 –
Q: Seven.
A: To '80?
Q: To '80.
A: Again, I don't remember the dates of when – you know, it had to be either the period that – part of that time it was probably Griff Harlow and then when Uzie Frydman came with the company.
Q: Okay. Do you remember who the head of marketing research was at that time?
A: After Hudnell Christopher, I believe it was Joe Sherrill for a while.
Q: Would you spell that last name for me, please.
A: S-H-E-R-R-I-L-L.

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Q: Now, you were the group quantitative manager during that period. Could you distinguish quantitative research from qualitative research, please.

A: Quantitative research is when you have specific data based on – it could be sales information or it could be, in some cases, consumer information where you've done a large sample and asked specific questions that can be tabulated, analyzed, in some way as opposed to qualitative research, where you may just be – a good example of qualitative research would be something like a focus group, where you get a few individuals together in a room and you have a discussion and you may record some of their verbal answers and opinions, but it's not anything that you can sit down and analyze using a statistical or mathematical approach.

Q: Are there other types of qualitative research besides focus groups?

MR. WILLIAMS: Where? When? Of course there are. You mean at Reynolds?

MS. SAMUELS: Yes. During that period.

MR. WILLIAMS: He's in quantitative research, I mean –

THE WITNESS: Yeah, I did not deal with

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qualitative research.

BY MS. SAMUELS:

Q: Do you know if during that period from 1977 to 1980 Reynolds was doing qualitative research?

MR. WILLIAMS: He's already said they were, at least with focus groups.

THE WITNESS: I'm sure they were doing focus groups. But beyond that, I'm not aware of anything. But I wouldn't have been involved in that, because it was way outside of my area of responsibility.

BY MS. SAMUELS:

Q: Do you know who did have the responsibility for qualitative research at that time?

MR. WILLIAMS: He said it was outside of his area. He knows about focus groups. He doesn't know about anything else.

MS. SAMUELS: Well, I'm asking Mr. Moore –

BY MS. SAMUELS:

Q: Do you know who was responsible for qualitative research at that time?

A: No, I do not know – it wouldn't have been an individual.

MR. WILLIAMS: Also assumes a fact not in evidence, which is there was somebody responsible for qualitative research.

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BY MS. SAMUELS:

Q: Was there a particular group or division responsible for qualitative research within Reynolds at that time, if you know?

MR. WILLIAMS: Object. Vague, undefined.

MS. SAMUELS: Mr. Moore?

THE WITNESS: I'm not – would you repeat the question, please.

BY MS. SAMUELS:

Q: Was there a particular group, division, or department responsible for qualitative research within Reynolds during the period from 1977 to 1980?

A: Not that I recall.

Q: Okay. From September 1980 to September 1987, you were the director of marketing science and information services; is that correct?

A: That sounds correct.

Q: Was marketing science and information services different than marketing research or marketing development?

A: No. It was still within – it was still within the same department, still within the marketing research – or marketing development department, whichever it was called at that particular time.

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The difference there is that – I believe, that that was when I began to – actually to take some responsibility for the forecasting role as opposed to just supporting it.

Q: So specifically how did your position change?

A: I believe I had the forecasting actually reporting to me, along with the quantitative support.

Q: Did any of your work during that period, from September 1980 to September 1980, involve the Camel brand?

A: Well, certainly we were responsible in terms of forecasting sales and share and things of that nature, forecasting individual brands, all of the brands, which would have included Camel. I don't recall other specific projects on Camel.

But in terms of anything involving a test market or something of that nature, we probably would have been there to support that in terms of research design and analysis. But I don't recall specific projects on Camel at that time.

Q: Did any of your work during that period involve younger adult smokers?

A: Yes, it did.

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Q: Could you –
A: I believe we're talking 19 – what's the time period?
Q: 1980 to 1987.
A: Yes, it did.
Q: Was that the first time since you had been at the company that your work involved younger adult smokers?
A: Yes.
Q: And did any of your work during that period involve people under the age of 18?
A: In one specific instance, yes.
Q: And was that the first time since you had been at Reynolds that your work involved people under the age of 18?
A: Yes.
Q: What was that specific instance?
A: The specific instance was that, because I had become responsible for forecasting, there was a need and a desire by management to produce a longer range forecast, five- to ten-year time horizon – I think we even went out to fifteen years, if I recall correctly – primarily because we were considering building a new Tobaccoville plant. There was consideration being given to upgrading our

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facilities at our Whitaker Park facility.
Most of our main manufacturing had become very outdated. And there was a long lead time on time realized in terms of developing and building those facilities and acquiring all the right equipment for those. So we were attempting to do everything we could to produce a longer term forecast and also to try to develop something that we looked at from every angle that we needed to look at it, which would give us some confidence, at least, that we had some reasonable projection of some future scenarios of the size of the business and the brands and so forth.
Q: Did that one specific project you worked on that dealt with people under the age of 18, did it have a name?
A: No. It was just part of the long-range forecasting effort. We – what we did was we went through the department, talking to everyone in the research area about any information that could be available that would potentially help us produce this long-range forecast. And so that was only one of the things that was – you know, that we looked at in terms of trying to input that into the forecast – forecasting approach.

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Q: Uh-huh. Was there a specific report that was produced involving people under the age of 18?
MR. WILLIAMS: Hold. Specific to under 18?
MS. SAMUELS: Uh-huh.
MR. WILLIAMS: If you got it, why don't you show it to him.
MS. SAMUELS: It's just a question.
MR. WILLIAMS: I know it's a question. I'm asking if you have a document. I think it's fair to show it to him.
MS. SAMUELS: Do you understand the question, Mr. Moore?
MR. WILLIAMS: Was there a specific document –
THE WITNESS: I was getting ready to ask if – you know, what you meant by a specific report or document.
MS. SAMUELS: Well, let me approach it a different way.

BY MS. SAMUELS:

Q: Was this forecasting that was conducted that utilized data on people under the age of 18, was it incorporated into any written report?
A: Yes. There were – there were – there was a written report. And I believe that there were

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some updates provided over a short period of time while we were involved in developing these longer range forecasts.
Q: Okay. And I believe you mentioned a few minutes ago that that research on people under the age of 18 was primarily conducted because you were considering – because Reynolds was considering building a Tobaccoville –
A: No, I didn't mention that –
MR. WILLIAMS: Object to the mischaracterization of testimony. He did not say why the research was conducted. What he said is he looked at data.
THE WITNESS: We didn't do any research under the age of 18. It was – in fact, I don't think at that time anyone even knew that data existed until we got into this forecast project and discovered that as – the methodology that the supplier was using to collect information on 18 years and older, because they had collected household information, we discovered that they did have some – some smoking incidence and rate per day information on the under-18 group, which we felt could be helpful in terms of projecting longer term forecasts. It was quite by accident that we

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discovered that.

BY MS. SAMUELS:

Q: Was one of the reasons Reynolds looked at that data because it was considering building Tobaccoville?

A: Absolutely. It was the only reason, to my knowledge.

Q: There were no other reasons that you know of?

A: None whatsoever.

Q: Okay. How did you discover that data on people under the age of 18 existed?

A: Well, as I mentioned, one of the – the charge that I had from management, because of the importance of this forecast, that huge financial investment that the company would make in terms of building new facilities and so forth, they did not feel comfortable that our – that our forecasting information and data that we were using at the time was adequate.

So one of the things that – the ideas that we had was to go and talk to everyone within the whole marketing research area about any information that they have that – they might have or know about that could help us improve our ability for

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long-range forecasting, or any ideas that they had that would help us develop this forecast.

In talking about the consumer information that we had – which was all 18 and over adult smokers – we began to get the idea that if we could take specific smoking age groups and take their smoking incidence and rate per day and brand preferences and kind of age them into the future, it may give us an idea of what the industry and our company shares and so forth would look like.

But we very quickly discovered that in order to do that, it would be helpful to even have younger age groups, if that existed. And then in talking to the research supplier, who was involved in helping us to collect that data, they indicated that they might have some of that information because they collected it on households rather than individual smokers at that point in time.

And when they checked, they did have some information. And that's when we acquired it.

Q: Was that research supplier NFO?

A: Yes, it was.

Q: Does NFO stand for anything?

A: I believe it's National Family Opinion.

Q: Do you know if Reynolds built any tobacco

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plants anywhere in the United States from the period of 1971 to 1980?

A: I don't know.

MR. WILLIAMS: I'm sorry. If they built any tobacco plants?

MS. SAMUELS: Uh-huh.

THE WITNESS: I believe all our manufacturing facilities were here in Winston-Salem.

MR. WILLIAMS: Your question is: Is the Greenfield plant – or are you talking about expansion?

MS. SAMUELS: I'm not clear on what you mean by that.

MR. WILLIAMS: Well, it's all right.

MS. SAMUELS: Any manufacturing facilities.

MR. WILLIAMS: She's asking ground up rather than expansion.

THE WITNESS: The only – the only familiarity I had were our plants in the Winston-Salem area, which include Whitaker Park, Tobaccoville, those areas. I'm not aware of any manufacturing facilities we had outside of the Winston area.

BY MS. SAMUELS:

Q: Were any of the manufacturing facilities in

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this area expanded during the period of 1971 to 1980, if you know?

A: I don't know. I really don't know.

Q: Okay. We're still talking about the period from September 1980 to September 1987. Did you supervise anyone during that period?

A: Yes.

Q: How many people?

A: Probably, when you consider that I also had the forecast group responsibility, could have been as many as ten or fifteen.

Q: Who were they?

MR. WILLIAMS: All ten or fifteen?

BY MS. SAMUELS:

Q: As many as you can remember.

A: We've discussed a number of them already.

Q: Okay.

MR. WILLIAMS: I think this is the second time through on the '80 to '87 supervisions.

MS. SAMUELS: I don't think so.

BY MS. SAMUELS:

Q: As many people as you can remember that you supervised during that period of 1980 to 1987.

MR. WILLIAMS: Can we make this exclusive of the names he's identified before?

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MS. SAMUELS: Yes.
THE WITNESS: Because, certainly, some of those were even the same.
Let's see. The reason I'm having difficulty is because in many of the instances, it was various research analysts that were being rotated through for training purposes. And there were - there were any number of those because - that would be there for like three to six months to nine months at a time for training and then move on into other areas of marketing research.
So even though I had direct responsibility for somewhere between maybe ten - ten or fifteen people, there was lots of rotation and turnover among that group because most of those research analysts that came through the department came through that area for training at some point in time. And they were generally the younger analysts, or inexperienced with Reynolds, just there for training.

BY MS. SAMUELS:

Q: Did you supervise anyone who wasn't being rotated through your department?
A: Certainly some of the ones we've already mentioned, yes. At that point, John Hilbar would

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have reported to me, Phil Galyan, some of the others. But mostly the people that we already talked about.
Q: How about Diane Burrows?
A: She was certainly in the forecast - she was in the forecast group for a period of time, I don't recall the specific dates. But she would have either reported to me or someone who reported to me -
Q: Okay.
A: - somewhere along the way, for a period of maybe - maybe three or four years - two, three years.
Q: To whom did you report during that period?
A: Part of that period of time was certainly Uzie Frydman, up until he left. And then later it would have been Larry Hall, I believe, who became head of the department.
Q: Do you remember when Mr. Frydman left?
A: I don't recall. It was maybe '83 or '4, perhaps. Somewhere along that time frame.
Q: Do you know to whom Mr. Frydman reported?
A: He reported to the head of the department. As we talked about before - I believe we already mentioned that - I believe it was Jim Stuart for

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part of the time, at least, that he was there.
Q: Do you know to whom Larry Hall reported, once he became head of the department?
A: I believe he reported to Gerry Long, if I'm not mistaken.
Q: What was Mr. Long's position during that period when Mr. Hall reported to him?
A: I believe he might have been - I hesitate to even speculate.
MR. WILLIAMS: Well, don't guess.
THE WITNESS: I don't really want to guess his exact title. But he was an executive, certainly an executive over sales, marketing, and some other functions within the company.

BY MS. SAMUELS:

Q: And Mr. Hall, at least for the latter part of that period, was head of the marketing research department?
A: I believe that's correct.
Q: Was your next position group director of business research and information from October 1987 to August 1989?
A: I don't know. We did a lot of title changing, but I don't know - it certainly could have been my title. But the position that I had

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basically did not change in terms of my responsibility.
Q: And business research and information, was that similar to marketing research and the other departments - the other names we've discussed?
A: No. The business research and information included, again, the forecasting responsibility. It also included performance tracking - sales and share of market performance tracking for the company, and some reporting responsibilities in terms of our overall performance.
Q: And what specifically were your responsibilities?
A: That was basically it, the forecasting in the sales performance, business performance, tracking in those areas.
Q: Did any of your work during that period from October 1987 to August 1989 involve the Camel brand?
A: No, not in terms of research. Only forecasting, share and volume.
Q: Just so I understand this, your work did involve forecasting share and volume for the Camel brand?
A: For all brands.
Q: Okay. Did any of your work during that

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period involve younger adult smokers?
A: No.
Q: Did any of your work during that period involve people under the age of 18?
A: No. We didn't do any work beyond the time we needed for the forecast.
Q: And how many people did you supervise during that period?
A: I believe about the same number.
Q: Ten to –
A: And many of the same people.
Q: And that would be ten to fifteen people approximately?
A: Yes.
Q: Was Mr. Hribar still under your supervision at that point?
A: Yes, he was.
Q: How about Mr. Galyan?
A: Yes.
Q: And Ms. Burrows?
A: At least for part of that time. I don't remember exactly.
Q: Can you think of anyone else we haven't discussed who was under your supervision during that period?

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MR. WILLIAMS: We're in '87 to '89.
MS. SAMUELS: Yes.
MR. WILLIAMS: Any other names.
THE WITNESS: I don't recall specifically, no.

BY MS. SAMUELS:

Q: To whom did you report during that period?
A: I would have reported to – I believe Larry Hall, if – I think he was the head of the department during that time period.
Q: Is there anyone else you can remember during that time period from October 1987 to August 1989 who you reported to?
A: I don't know. But from that point on, I reported to the head of the department, whomever that – the head of the marketing research, up until '95, whomever had the head of the department at that time.
Q: During that period, from October 1987 to August 1989, to whom did Larry Hall report?
A: I believe we discussed that already. I believe it was Gerry Long.
Q: Okay. And from September 1989 to January 1994, were you director of business operations and sales information?

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A: Again, that was another title change but – but same role within the department.
Q: Within the marketing research department?
A: Yeah. It was – every time the department would get reorganized, I would get a different title, but the same functions.
Q: Were any of your responsibilities different?
A: No.
Q: Did any of your work during that period, from September 1989 to January 1994, involve the Camel brand?
A: Again, just the forecasting responsibility.
Q: And you did that for all the company's brands?
A: All the brands, yes.
Q: Did any of your work during that period of time involve younger adult smokers?
A: No, it did not.
Q: Did any of your work during that period of time involve people under the age of 18?
A: No. Again, as I mentioned, we didn't do any research under 18. The only time we looked at that data was for the long-range forecast period.
Q: Did you supervise anyone during that period?
A: Generally, many of the same people. They

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were there throughout.
Q: Do you remember how many people?
A: I think at that period in time we had started to do some downsizing. So instead of – it was more like probably eight to ten.
Q: And to whom did you report during the period from September 1989 to January 1994?
A: Let's see. Certainly would have been probably Larry Hall during part of that period. At one part of that period, I believe Greg Novak headed up the department.
Q: N-O-V-A-K?
A: Yes. And then at some period of time – after some period of time, Larry Hall came back to head up the department. So it was – there was – whoever was heading the department at that particular time was who I reported to. And I believe those individuals were the ones.
Q: Was Mr. Hall still reporting to Mr. Long during that period?
A: As far as I recall, yes.
Q: And Mr. Novak was reporting to Mr. Long, as well, when he was head of the department?
A: I believe so.
Q: Was Mr. Hribar still under your supervision

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at that point?
A: Yes.
Q: How about Mr. Galyan?
A: Yes.
Q: And how about Ms. Burrows?
A: At some point, she moved out of that area. I don't recall the exact dates.
Q: Do you know where she went?
A: Let's see. At that specific time, I don't recall where she went.
Q: Okay. From February 1994 to April 1996, you were the director of decision support?
A: That's correct.
Q: Was that a different function than the function we just discussed?
A: Yes, it is a different function.
Q: Could you describe your responsibilities for me, please.
A: It's analyzing company information to determine – try to help determine the impact of pricing, promotion, merchandising, display, other retail factors, how they impact various brands' performance, and try to improve our resource allocation.
Q: Anything else?

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A: That's primarily it.
Q: Was decision support also part of the marketing research department?
A: It was, up until a year and a half ago.
Q: And what happened a year and a half ago?
A: Essentially, the marketing research department was disbanded or – well, maybe that's the wrong word. It was – we went through a reorganization. Parts of the marketing research department were downsized and done away with. Parts were assigned to other places within the company. So as a part of that, I was reassigned to business strategy and planning but in the same role that I had as the decision support role.
Q: You said business –
A: Strategy and planning.
Q: Strategy and planning. Is that part of any department?
A: It is a separate department.
Q: Okay. From 1994 to 1996, when you were director of decision support, did any of your work during that period involve the Camel brand?
A: Yes. Along with other brands. Yes.
Q: Did any of your work during that period involve younger adult smokers?

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A: No.
Q: Did any of your work during that period involve people under the age of 18?
A: No.
Q: Did you supervise anyone while you were in that position?
A: Yes.
Q: How many people?
A: Four, I believe.
Q: Who were they?
A: Don Schmidt.
Q: Spell his last name, please.
A: S-C-H-M-I-D-T. Sheryl Henderson. Let's see. Steve Zitta and Frank Petto were the – two of them supported the sales department.
Q: Who?
A: Steve and frank.
Q: To whom did you report during that period?
A: To Ernie Fackelman.
Q: What was his title?
A: He was the vice president of business information and analysis.
Q: To whom did he report?
A: Let's see. We – the department went through periods where sometimes it would report to

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the executive vice president of marketing and sales, and other times it reported to – directly to the president. There were many, many changes during that time period. I don't recall exactly who he reported to.
Q: Who was the executive vice president of marketing and sales during that period?
A: Let's see. We're talking, I'm sorry, what time period again?
Q: This is '94 to '96.
A: '94 to '96. '94 to '96. I should remember. I'm not sure there was a – well, let's see. I'm not sure. I've lost track of the organization.
Q: Okay.
A: Because marketing also went through a lot of changes in terms of organization. So I'm not – I don't recall exactly what the reporting arrangements were.
Q: Okay. Is your current position director of program analysis?
A: Yes, it is.
Q: And you've held that position since May of 1995 or 1996?
A: '95, I believe.
Q: Okay. So you –

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A: Maybe it was '96. It's been about the last two years, I guess.
Q: Okay.
A: That sounds about right.
Q: And program analysis is part of the business strategy and planning department?
A: Yes.
Q: Describe your responsibilities for me, please.
A: The same as they were as director of decision support. As I mentioned, the business information analysis department was broken up, and my function was just reassigned to business strategy and planning.
Q: Has any of your work since 1996 involved the Camel brand?
A: We work on all the brands, yes.
Q: Has any of your work since 1996 involved youngest adult smokers?
A: No.
Q: Has any of your work since 1996 involved people under the age of 18?
A: No.
Q: Do you currently supervise anyone?
A: Yes.

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Q: How many people?
A: Four.
Q: Who are they?
A: Steve Zitta.
Q: Could you spell that for the record, please.
A: Z-I-T-T-A.
Q: Okay.
A: I still – I have Kevin Richardson and Mike Jacques who support the sales department. And Anita Phillips.
Q: To whom do you report?
A: I report to Scott Keith.
Q: What is his position?
A: He's the vice president of business strategy and planning.
Q: And who does he report to?
A: Right now, he reports to Cliff Pennell.
Q: Okay. Now I would like to ask you to identify some people for me who may have worked for Reynolds in the past, or may still work at Reynolds.
A: Can we take a short break?
MR. WILLIAMS: Let's take a break.
MS. SAMUELS: Yes.
(Recess taken from 9:46 a.m. to 10:00 a.m.)

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BY MS. SAMUELS:
Q: Mr. Moore, I'd like to remind you that you're still under oath and that all the instructions that I gave you previously still apply.
A: Yes.
Q: You understand that?
A: Yes.
Q: Okay. Before the break, I was going to ask you to identify some people within Reynolds for me. Who is Claude Teague?
A: Claude Teague worked in research and development with Reynolds. Didn't really know him. That's all I can tell you.
Q: What was the nature of your relationship with him?
MR. WILLIAMS: He said he didn't know him.
THE WITNESS: I didn't know him. I just knew who he was. He worked at R & D.
BY MS. SAMUELS:
Q: What's the function of R & D?
A: It's research and development. It's developing products and improving Reynolds products with consumers.
Q: Do you remember ever meeting Mr. Teague?
A: Yes, I'm sure – I have met him.

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Q: Did the R & D department have any relationship with your department?
A: I'm sorry. Could you – my specific group?
Q: (Nods head.)
A: On occasion – on occasion, we were involved in helping to design some of the product testing research, as I mentioned before. Other than that, no.
Q: Do you remember in what context you met Mr. Teague?
A: I think he might have been in a presentation or two that was given to – about the results of product tests. That's all that I recall.
Q: Are you saying that you might have been at a presentation he gave?
A: No, no.
MR. WILLIAMS: No, no, no.
THE WITNESS: Not that he gave. That someone in marketing research would give regarding the results of a product test.
BY MS. SAMUELS:
Q: Do you remember how many times you met him?
A: Not specifically. Maybe two or three.
Q: Did you ever work directly with him on anything?

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A: No.
Q: Do you know why he left Reynolds?
A: No.
Q: Do you know whether he was well respected within Reynolds?
A: To my knowledge. I wouldn't have any way of knowing. I didn't know him beyond what we've already discussed.
Q: Have you had any contact or communications with him since he left the company?
A: No.
Q: You mentioned that he might have been in a presentation or two regarding the results of product tests?
A: Product tests, yes.
Q: What kind of product tests are you referring to?
A: Well, marketing research did the consumer product tests for our brands among – among adult smokers, testing our brands and competitive brands to see how our product performed versus our competitors' and whether we were inferior or superior or at parity to competitive products in the marketplace and, if so, testing other changes to the product to try and improve the consumer acceptance

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of products.
Q: Were these tests where consumers were smoking both products and comparing them?
A: Some were like that, yes.
Q: How about others?
A: Others were just specific – sometimes – sometimes a product identified – by that I mean in the – they were identified by the brand with the packaging and other times not identified. Just testing various changes to products to try to find products that were more acceptable among consumers than the ones that were currently on the marketplace.
Sometimes they were individually tested. Sometimes they were tested in conjunction with a competitive product.
Q: Do you remember when – what year you met Mr. Teague at those presentations?
A: No, I don't.
Q: Do you remember if it was in the '70s?
A: Most likely.
Q: Do you remember what products were involved in those presentations?
A: No, I don't.
Q: What was your job during the period when you

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met him at those presentations?
MR. WILLIAMS: Wait, wait, wait. He's already said he didn't know when it was. Okay?
THE WITNESS: I don't recall.
MR. WILLIAMS: Let's get a time period. We've already been through what his employment history was.

BY MS. SAMUELS:

Q: Do you remember why you were at those meetings or presentations?
A: I was there because I was involved from a quantitative standpoint in terms of helping to design – recommend research designs and analysis in terms of how we tested products with consumers.
Q: Do you remember who else attended those presentations?
A: No, not specifically.
Q: Do you remember how many people attended those presentations approximately?
A: Typically, would be maybe six or eight people.
Q: Who is Joan Whalley?
A: Joan Whalley was – she was a lady that, I believe, used to work for an advertising agency but then eventually came to work for marketing research

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as a consultant, worked for Reynolds marketing research as a consultant.
Q: Did you ever meet her?
A: Yes, I met her.
Q: What was the nature of your relationship with her, if any?
A: She was just doing consulting work within the marketing research department. So she would occasionally be in a meeting or something like that. But I didn't really work directly with her.
Q: Do you know what kind of consulting work she was doing?
A: Not specifically.
Q: Do you know why she stopped doing consulting work for Reynolds?
A: No, I don't.
Q: Do you know if her work was well respected within Reynolds?
A: To my knowledge, it was.
Q: Have you had any contact or communications with her since she left?
A: No, I haven't.
Q: Who is D.W. Tredennick?
A: Don Tredennick, he was in the marketing research department, I believe, when I first came in

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1971, or maybe it was – I believe he was already there. I really don't know what his role was, because, as I recall, he wasn't there for a very long period of time after I came. Didn't really have much – I mean, obviously I met him, but I didn't have any real working relationship with him.

Q: Did you ever work with him that you can recall?

A: Not that I recall.

Q: Do you know why he left the company?

A: No, I don't.

Q: Do you know whether his work was well respected within the company?

MR. WILLIAMS: Well, do you have any particular work? He said he didn't work with him. I mean, if he didn't work with him, how could he know if his work was well respected?

MS. SAMUELS: By reputation, throughout the company.

MR. WILLIAMS: That's objectionable.

THE WITNESS: I don't know.

BY MS. SAMUELS:

Q: Were you familiar with any of his work?

A: No, I don't recall – I don't recall any of his work.

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Q: Have you had any contact or communications with him since he left the company?

A: No, I haven't.

Q: Who was J.V. Miller?

MR. WILLIAMS: Do you have a first name? Maybe that might help him.

MS. SAMUELS: No, I don't.

MR. WILLIAMS: Well, let's not guess.

THE WITNESS: It's not a name that I recall at all.

BY MS. SAMUELS:

Q: Who is A.R. Cox? And the first name is Alan.

A: Alan Cox?

Q: Uh-huh.

A: Alan Cox was in marketing research, primarily in brand research supporting brands and – that was at least part of his role at the time. But I think he also at other times maybe headed up a specific kind of functional research. By that I mean something like either product testing or test marketing or something of that nature.

Q: What was your relationship with him?

A: He was sort of a peer, in a different area of marketing research. So –

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Q: Did you ever have occasion to work directly with him?

A: Yes. There were occasions.

Q: On what kinds of projects?

A: Again, it was, you know, recommending research designs or analytical approaches to research projects that he was involved in.

Q: Do you remember specifically any of the kinds of research designs you may have helped him with?

A: I don't remember specific projects, but I do remember having worked with him on analyzing some in-market tests and also on some – some brand performance tracking kinds of approaches. And there may also have been some product tests. I think there were.

Q: What's an in-market test?

A: For example, if we decide to change the packaging on the brand and we actually select a market and change the packaging in that market and then actually put it at retail for sale to consumers and then evaluate the performance. So something that would actually be tested in a market as opposed to just among a small group of consumers.

Q: Is Mr. Cox still at the company?

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A: No.

Q: Do you know why he left?

A: No, I do not.

Q: Do you know whether his work was well respected?

A: At the time I worked with him, I believe it was.

Q: Have you had any contact or communications with him since he left the company?

A: No, I haven't.

Q: Who is Kay Duffy?

A: Kay Duffy was an analyst in marketing research. She even worked for me for a short period of time as part of the rotational program that I was talking about earlier, training. And she rotated through forecasting. She rotated through several areas of the department.

Q: Besides the period when she rotated through your department, did you ever work directly with her?

A: No. That was the – the period of time that I worked directly with her.

Q: Do you know why she left the company?

A: No, I don't know.

Q: Do you know whether her work was well

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respected?
A: I believe so, yes.
Q: Have you had any contact or communications with her since she left the company?
A: No, I have not.
Q: Do you know where she is now?
A: No, I don't.
Q: We've already talked a little bit about Diane Burrows. At one point, were you her supervisor?
A: Yes, for a period of time.
Q: Approximately how long?
A: She worked some in the quantitative area probably for a year or two. And then she also was part of the forecast group, in the forecast and business performance analysis area. So altogether, maybe - maybe as much as five years or so.
Q: Do you know why she left the company?
A: No, I don't.
Q: Do you know whether her work was well respected?
A: I believe it was.
Q: Were you satisfied with her work when you supervised her?
A: Yes.

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Q: Have you had any contact or communications with her since she left the company?
A: I occasionally see Diane.
Q: Socially?
A: Yes.
Q: For any business purpose?
A: No.
Q: Who is J.F. Hein, H. E. I. N?
A: H-I-N-D?
Q: Is there a J.F. Hind, H-I-N-D?
A: There was a Jim Hind, H-I-N-D.
Q: And what did he do at Reynolds?
A: For a period of time, he was in marketing research. And then he also had responsibility for long-range planning for the company, or strategic planning, I think they might have called it at that time.
Q: Is that different than forecasting?
A: Well, it was a little broader than forecasting. It was taking the forecast and then drawing some implications and also incorporating that with the financials for the company and reporting to corporate headquarters information.
Q: Did you ever work directly with him?
A: No, I did not.

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Q: Is he still with the company?
A: No.
Q: Do you know why he left?
A: No, I don't.
Q: Have you had any contact or communications with him since he left?
A: No.
Q: Who is C.A. Tucker? I believe the first name is Charlie.
A: Charlie Tucker. He was the head of our marketing department for a period of time when he was here. He may also have had some sales responsibility, too. I don't recall for sure. But I do know he was over marketing.
Q: Do you know when he was head of the marketing department?
A: I don't recall the specific dates.
Q: Was he ever your supervisor?
A: No.
Q: Did you ever work directly with him?
A: On - I believe on some of the forecasting I did.
Q: Do you remember if that was in the 1970s?
A: I don't remember the exact dates that he was here. But I do believe it might have been late

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'70s, early '80s, maybe.
Q: Does he still work for the company?
A: No, he does not.
Q: Do you know why he left?
A: No, I don't.
Q: Do you know whether his work was well respected?
MR. WILLIAMS: Which work are we talking about?
MS. SAMUELS: As head of the marketing department.
THE WITNESS: No, I don't know that.
BY MS. SAMUELS:
Q: Have you had any contact or communications with him since he left?
A: No.
Q: Going back to Mr. Teague for a minute, are you - are you aware of any interest he had with smoking initiation?
A: I'm not aware of any, no.
Q: Are you aware of any interest he had in the under-18 market?
A: No.
Q: Are you aware of any interest he had in kids as cigarette smokers?

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A: No.
Q: And regarding Mr. Tredennick, are you aware of any interest he had in smoking initiation?
A: No.
Q: Are you aware of any interest he had in the under-18 market?
A: No.
Q: Are you aware of any interest he had in kids as smokers?
A: No.
Q: Mr. Moore, are you familiar with the phrase "brand loyalty"?
A: Yes, I'm familiar with that phrase.
Q: Has any research project that you've ever conducted, supervised, or reviewed involved the concept of brand loyalty?
A: Yes.
Q: Could you describe for me the kinds of research that you conducted, supervised, or reviewed that involved the concept of brand loyalty?
A: What do you mean by that? I mean, that's a fairly broad question, I guess. Can you be more specific?
Q: What kinds of studies – you can give me examples, if you like – were you involved in that

involved brand loyalty?
A: Well, we've done – we've done analyses on our adult smoking information – adult smoker information, to look at both brand – to look at brand loyalty from the standpoint of what percent of a smoker's requirements do they give to an individual brand versus more than one brand, is the concept.
Q: You talked about adult smoker information?
A: Yes.
Q: Where would that come from?
MR. WILLIAMS: I'm going to object as vague. Where does adult smoker information come from?
MS. SAMUELS: Do you understand the question?
THE WITNESS: What time period are you talking about?
BY MS. SAMUELS:
Q: You mentioned that in studying brand loyalty, you might do analyses on adult smoker information.
A: Yes.
Q: During what period in your work at Reynolds, did you do studies that involved brand loyalty?
MR. WILLIAMS: I think he already answered

that one.
THE WITNESS: There were probably two times. One was in conjunction with certainly developing a long-range forecast, which we discussed. Done some work recently on that as a part of the decision support in terms of resource allocation, identifying opportunities for brands, market opportunities for brands.
BY MS. SAMUELS:
Q: When you're involved in long-range forecasting, how is your research on brand loyalty conducted?
A: Well, we had the NFO data that we talked about. That was the source for that information.
Q: So you got the information from NFO.
A: Correct.
Q: What kind of information did they provide?
A: Well, they provide interviews among adult smokers in terms of their rate per day and what brands they smoked and sometimes for what period of time, whether they smoked – you know, one brand or other brands. Information of that nature.
Q: And would you then process that information in some way or analyze it in order to study brand loyalty?

A: Yes. We'd do analyses of that data to understand what percentage of smokers were loyal to a single brand or used multiple brands or, you know, were more likely to switch and those kinds of things – switch brands, those kinds of things.
Q: And how did you do that?
A: I'm sorry. I'm – using statistical and quantitative analysis techniques.
Q: So you might look at, for example, what brand a particular survey respondent smoked?
A: Yes.
MR. WILLIAMS: Could we have a more specific question?
THE WITNESS: Yes, we would do that. Yes.
BY MS. SAMUELS:
Q: And how would that lead you to any conclusions about brand loyalty? That's my question.
A: Well, if more – if more smokers for a particular brand smoked that brand only and no other brands, obviously that brand would have a higher brand loyalty rate than – than a brand that had many smokers who smoked other products as well as that brand. So you could compare brand loyalty rates in that fashion.

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Q: Okay. And in your recent work in decision support, could you describe research you've done concerning brand loyalty.

A: Essentially, it's the same concept, except we try to divide that, try to identify that geographically, so that we can better understand – if a brand has less loyalty in one geographic versus another, then that might mean that the brand has an opportunity to gain some business there by – among smokers who are already smoking the brand, to get them to buy it more often.

Q: When you say geographically, is that within the United States?

A: Yes. Yes, all of our work is within the United States.

Q: Is that within certain regions of the United States, or certain cities? How do you break it down?

A: Typically, our sales regions, sales territories.

Q: How many of those are there?

A: Right now there are twenty regions.

Q: Is NFO still the source of your data?

A: No, it is not.

Q: What is the source of your data on adult

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smokers?

A: We have a source now that we call Tracker.

Q: Are cigarettes a product category with a relatively high degree of brand loyalty?

MR. WILLIAMS: As compared to what? We need a context here.

MS. SAMUELS: Do you understand the question, Mr. Moore?

MR. WILLIAMS: No. He needs a context.

THE WITNESS: I understand the question, but relative to –

BY MS. SAMUELS:

Q: Can you think of any other consumer products where users are more brand loyal than with cigarettes?

A: I don't know. I really haven't studied a lot of other consumer products. I've been here for 27 years. So – I don't have a basis of comparison or information to compare.

Q: Who would be the best person to answer that question?

MR. WILLIAMS: Well, is the question – the best person to answer it depends upon the question you asked. Compared to what type of industry? I

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don't know how he can possibly answer that question, your most recent question.

BY MS. SAMUELS:

Q: Can you think of anyone else within Reynolds who might know the relative brand loyalty rates of consumer products?

A: Not to my knowledge.

Q: Are you familiar with the phrase "young adult smoker"?

A: Yes.

MR. WILLIAMS: Young or younger?

MS. SAMUELS: Young.

THE WITNESS: Young adult smoker?

MS. SAMUELS: Yeah.

THE WITNESS: I'm sorry. I misunderstood you. No, I'm not familiar with that phrase, that I recall.

BY MS. SAMUELS:

Q: Have you ever heard that phrase before?

A: Not to my knowledge. I think we've always talked about younger adult smokers.

Q: Has any research project you've conducted, supervised, or reviewed ever involved younger adult smokers?

MR. WILLIAMS: Well, he already testified to

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that earlier. Asked and answered.

THE WITNESS: Yeah, I did answer that. Only forecast work that we discussed.

BY MS. SAMUELS:

Q: Could you briefly describe the kinds of research that you may have conducted, supervised, or reviewed involving younger adult smokers.

MR. WILLIAMS: Asked and answered. He already did.

THE WITNESS: Yeah, we did. The only research that I did was what we discussed in the forecast.

BY MS. SAMUELS:

Q: Were any of the younger adult smoker projects that you may have conducted, supervised, or reviewed brand specific?

A: We reported information on specific brands, yes. And that was necessary.

Q: In the context of the younger adult smokers?

A: In the context of the forecast, it was necessary to forecast specific brands out into the future. So we looked at all the brands that we had information on.

Q: How did the information on younger adult smokers relate to the brands?

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A: I'm sorry. I don't understand that question.
MR. WILLIAMS: Objection. Vague.
BY MS. SAMUELS:
Q: Well, I believe that you stated that data on younger adult smokers was necessary to forecast for the brands.
A: It was one of the –
MR. WILLIAMS: Object. It's a mischaracterization of his testimony.
MS. SAMUELS: I'm sorry. What did you say?
THE WITNESS: It was only one of the inputs. But, yes, we thought it would be helpful. I stated that earlier.
BY MS. SAMUELS:
Q: And how would it be helpful?
A: Well, as we've already discussed that, that we were trying to forecast ten, fifteen years out into the future. And by understanding all of the smoking age groups in terms of their incidence and rate and brand preferences, and being able to roll those – age those age groups over time, it would give you at least one idea of what the – the industry and RJR and brand volumes – and shares and volumes might look like ten or fifteen years from

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now. It was only one of the methods that we used.
Q: At the point when your work in forecasting involved younger adult smokers, what age range did younger adult smokers include?
A: I believe – the younger adult smoker information that we talked about for research purposes was 18 to 24. The – the under-age nonresearch forecasting data that we had, we did have some data on 14 to 17 year old age group that we could also incorporate into the forecast. But it was tracking information that came from the NFO panel. It was not from any research study – specific marketing research study that had been done.
Q: So did the category younger adult smoker ever include 14 to 17 year olds?
MR. WILLIAMS: He's already testified it didn't.
THE WITNESS: It did not.
BY MS. SAMUELS:
Q: Are you familiar with the phrase "usual brand"?
A: Usual brand, yes.
Q: Has any research project you've ever conducted, supervised, or reviewed involved the

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concept of usual brand?
MR. WILLIAMS: Are you saying supposed to brand loyalty?
MS. SAMUELS: Yes.
MR. WILLIAMS: As opposed to brand loyalty.
THE WITNESS: It's another measurement out of the Tracker and/or the NFO data.
BY MS. SAMUELS:
Q: Do NFO and Tracker data basically include the same components?
MR. WILLIAMS: Well, I'm going to object. Let's find out what components they are.
THE WITNESS: That's – that's a very broad question. I don't know how to answer that question.
BY MS. SAMUELS:
Q: Okay. What did NFO data – what kind of information did NFO data give you?
A: NFO data, as I mentioned before, it was household information answered by the head of the household about smokers in the household in terms of what brands they smoked, demographics of those, and only reported to us as adult smokers over the age of 18, with the one exception where we got the information for forecasting.
And, also, we got information in terms of

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what other brands they smoked, if they didn't – if they smoked more than one brand, or purchased more than one brand, information on whether they purchased by the pack or the carton. And I think there were periods of time where we collected information on what type of outlet, retail outlet, they purchased products from. And maybe what their previous brand they smoked was. So we could begin to understand some switching information, had they switched from one brand to another. It was that type of information.
Q: What kind of information does Tracker give you?
A: Similar information except Tracker is done through telephone interviewing. It's done not to head of households but to specific adult smokers. And in addition to some of that type of – the type of information I mentioned before on NFO, on occasion I think there are some questions asked about brand awareness.
Q: What does brand awareness mean?
A: Specifically, if there are new brands that have been introduced into the marketplace, whether smokers might be aware that that new product is in the market, those kinds of questions.

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Q: Anything else?
A: That's primarily it.
Q: Could you describe for me the kinds of research that you may have been involved in that discussed usual brands. We may have started, but we didn't finish.
MR. WILLIAMS: He's answered that.
THE WITNESS: I finished all the ones that I've been involved in. Those are the ones that I already mentioned.
BY MS. SAMUELS:
Q: Are you familiar with the phrase "first usual brand"?
A: Yes, I've seen that phrase.
Q: Has any research product that you've conducted, supervised, or reviewed involved the concept of first usual brand?
MR. WILLIAMS: You mean first usual brand younger adult smoker?
MS. SAMUELS: No. I mean first usual brand.
MR. WILLIAMS: Without the younger adult smoker.
THE WITNESS: No. I'd say no.
BY MS. SAMUELS:
Q: In what context have you heard that phrase?

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A: I've seen that phrase in, I believe, some of the work that Diane Burrows had done.
Q: Do you know what that phrase means?
MR. WILLIAMS: Excuse me. Are we on the phrase "first usual brand" without the words "younger adult smoker" at the end of them?
MS. SAMUELS: Yes.
MR. WILLIAMS: Just that word then.
THE WITNESS: No.
BY MS. SAMUELS:
Q: Do you know by what age most smokers have chosen their first usual brand?
A: No, I do not.
Q: And now are you familiar with the phrase "first usual brand younger adult smoker"?
A: I thought that's what you were referring to before. Yes, I am familiar with that phrase.
Q: Or FUBYAS?
A: FUBYAS, yes.
Q: Has any research project you've conducted, supervised, or reviewed ever involved the concept of first usual brand younger adult smoker?
A: Again, I think some of the work that Diane Burrows had done. My involvement was more of having seen the results of her efforts.

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Q: Was that during the time when you were her supervisor?
A: I don't – I don't recall exactly. I don't believe that I was her supervisor at that time. Although, certainly, some of that work was done when she was involved in – as part of this long-range forecasting issue as well.
Q: So if you weren't her supervisor during those periods, in what context would you have seen her work on first usual brand younger adult smokers?
A: Probably as part of a presentation or a report. Generally, those marketing research reports were generally sent to other managers within the marketing research department.
Q: Do you know if they were sent to anyone outside the marketing research department?
MR. WILLIAMS: Let's be careful here about which reports we're talking about. Is this her work on FUBYAS?
MS. SAMUELS: Yes.
THE WITNESS: I don't know.
BY MS. SAMUELS:
Q: Do you recall being at any presentations she gave regarding first usual brand younger adult

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smokers?
A: I believe I was at one presentation that was made.
Q: Do you remember what it was about?
A: I don't recall the exact title. I do know of the presentation. The presentation involved looking at adult smokers and their claimed usual brand information, their brand loyalty, and their switching – the propensity to switch brands and comparing that among various age and demographic subgroups but, again, among 18 and over adult smokers.
The first usual brand younger adult smoker concept was looking at, again, adult smokers but having the implications as to when they first started smoking one brand that they call their usual brand and became loyal to, and what did that – how did that play out over time in terms of brand loyalty, and how did it contribute to brands' growths and decline in the marketplace.
Q: Do you recall when that presentation took place?
A: I don't. Not exactly. I don't.
Q: Was it in the '70s?
A: I don't know. Honestly don't know. I would

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have thought it would have been early '80s, but I'm not positive.
Q: Do you know where that presentation took place?
A: It was within the marketing research department.
Q: Who else was there?
A: Just other – other managers within the marketing research.
Q: Do you know if Mr. Teague was there?
A: No, he was not.
Q: Do you know which other managers in marketing research were there?
A: I believe it would have been Greg Totterdale, John Hribar, whoever was head of the department at that time. I believe Dick Nordine was in that presentation. Perhaps Jim – I believe Jim Gemma was there, yes.
MR. WILLIAMS: Why don't you spell that.
THE WITNESS: Gemma? G-E-M-M-A.
It was a small group. So I think that may have been about all.
MS. SAMUELS: I'd like to take about a five-minute break.
THE WITNESS: Sure.

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MR. WILLIAMS: All right.
(Recess taken from 10:54 a.m. to 11:05 a.m)
BY MS. SAMUELS:
Q: I'll remind you again that you're still under oath.
MR. WILLIAMS: You don't need to do that. This man knows he's under oath. And he knows the same instructions apply.
THE WITNESS: Yes.
BY MS. SAMUELS:
Q: Before the break, we were talking about a presentation you had attended given by Diane Burrows regarding first usual brand younger adult smokers.
A: Yes.
Q: And mentioned that some managers in marketing research were there.
A: Yes.
Q: Was there anyone else besides managers in marketing research there?
A: Not at that specific presentation, no.
Q: Do you recall another presentation regarding first usual brand younger adult smokers given by Diane Burrows?
A: Not another presentation. The same presentation, I believe, was given to some other

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groups. But I don't know any of the details of those.
Q: Did you attend any of those other presentations?
A: No.
Q: Do you know if any of those other presentations were made to employees in brand marketing?
A: I believe that was the case, yes.
Q: Do you know how many presentations – how many times that presentation was given?
A: No, I don't.
Q: And would that have also been in the early '80s probably?
MR. WILLIAMS: He said he wasn't sure.
THE WITNESS: I'm really not – I'm really not sure. I don't recall exactly when that presentation was.
BY MS. SAMUELS:
Q: Was that presentation given to other groups in the same year you saw that presentation?
A: They were all – whenever she gave that presentation, it was all right around the same time. It was upon the completion of it.
Q: Are you familiar with the word "switchers"?

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A: Yes.
Q: Has any research project you've conducted, supervised, or reviewed ever involved switchers?
A: Yes.
Q: In what way?
A: Again, in the same way we were talking before. One, in conjunction with developing forecast and understanding brand switching as it may apply to forecasting. And, again, the other would be in terms of where there may be opportunities for a brand to increase its – its business by gaining switchers in the marketplace among adult smokers.
Q: Did any of those studies ever involve the Camel brand?
A: Involved all of our brands, yes.
Q: Including Camel?
A: Including Camel.
Q: What is a switcher?
A: There are two types of switches. One is a temporary switch that's short term in nature where on an occasion a person – let's say a Marlboro smoker who smokes Marlboro 90 percent of the time but on an occasion may buy another brand if it maybe is discounted, cheaper at retail, discount promotion or some other kind of promotion, but then still goes

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back to smoking Marlboro on a usual basis.
The other type of switch is essentially where someone who has been a usual brand Marlboro smoker and smokes Marlboro 90 percent of the time moves to smoking a Winston or a Camel or some other brand the majority of the time, which is a more permanent kind of switch.
Q: Have you ever been involved in any study of why smokers switch from their usual brand, the second type of switch you just discussed?
A: Well, we've looked at things like price-related switching among adult smokers. For example, when savings brands or value brands became prevalent in the marketplace and there was a lot of smoker-switching behavior from the higher priced brands down to lower priced brands, that was not from consumer information. That was from studying sales information and understanding that price was a factor that obviously drove the development of those brands in the marketplace. From a consumer standpoint, no.
Q: So you have studied price-related switching. Any other kind?
A: That's all that I've ever studied.
Q: Is price a major factor in permanent

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switching?
A: Yes.
MR. WILLIAMS: I'm sorry. Was the question a major factor?
MS. SAMUELS: (Nods head.)
MR. WILLIAMS: Thank you.
BY MS. SAMUELS:
Q: And can you think of any other factors that influence switching?
A: I don't know what other factors cause people to switch brands.
Q: Do you know if advertising causes people to switch brands?
A: I just said I don't know of other factors. I mean, there are --
MR. WILLIAMS: Just answer the question.
THE WITNESS: I don't know of other factors. I know – I know there are product factors that cause people to switch brands.
If someone becomes dissatisfied with the product or is looking for a different type of product, for whatever reason, I'm familiar with those switching kinds of things. But outside of that, no, I'm not familiar with any other factors.

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BY MS. SAMUELS:
Q: Who at Reynolds would know if there are any other factors that cause people to switch brands?
A: That would be more of a – of a traditional marketing research kind of a function. So it would be – it would be people involved in doing marketing research among consumers to – you know, that type of – based on either focus groups or some other kind of quantitative research.
Q: So who would be the best person at Reynolds to ask that question of?
A: Currently?
Q: Yes.
A: Probably would be Doug Weber, who heads up that function. Or Dave Iauco, who he reports to. Doug Weber reports to Dave Iauco.
Q: Are you familiar with the phrase "replacement smokers"?
A: No, it's not a term I'm familiar with.
Q: Have you ever heard it before?
A: I think I've seen that term recently in the media. That's – that was my first and only exposure to it.
Q: Are you familiar with the phrase "presmoker"?

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A: Presmoker?
Q: Yes.
A: No.
Q: Have you ever heard it before?
A: No.
Q: Are you familiar with the phrase "learning smoker"?
A: No.
Q: Are you familiar with the phrase "new smoker"?
A: New adult smoker, yes.
Q: Has any research project you've conducted, supervised, or reviewed involved the concept of new smokers?
A: New adult smokers, yes, it has.
Q: Could you describe those research projects for me.
A: Again, it's based on either the NFO or the tracking data, and it's looking at smoking incidence among 18 to 24 year old smokers and trying to determine, then, based on their smoking incidence versus the population, what percentage of those might potentially be new adult smokers as opposed to smokers that are already in that group.
So it's an inference, not a direct measure

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that we have on anything of that nature.
Q: And how is that inference made from the data?
A: Well, if you look at the size of the 18 to 24 year old population, and based on NFO – well, currently the Tracker information, look at smoking incidence among adult smokers 18 to 24, times the population, if you do that year by year by year, you begin to understand how many new adult smokers may have entered the marketplace.
Q: Is there any way that you factor into that equation people who may have quit smoking?
A: We don't have any measures of quitting.
Q: Is 18 to 24 the group Reynolds currently looks at to –
MR. WILLIAMS: Currently? After '92? Is that your question?
MS. SAMUELS: Today.
MR. WILLIAMS: Today. Looks at to what?
MS. SAMUELS: To determine the number of new adult smokers.
MR. WILLIAMS: I think you better establish that they are looking at that, to determine new adult smokers.
THE WITNESS: We have – to my knowledge, no

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one has been looking at that recently. You'd asked me if I'd ever done any research of that nature. Again, it was looking at the 18 to 24 year old group and trying to draw some inferences about that.
So the answer today is no. And there's no – no research done under 18 years old. And, in fact, I believe that currently, most of the research is being done 21 and over. There is some tracking of adult smokers 18 and older, in Tracker, for example.

BY MS. SAMUELS:

Q: During what period did you conduct, supervise, or review research projects involving new smokers?
A: Again, that was back during the time period we were trying to develop this long-range forecast, which would have been early '80s, I believe, maybe even late '70s to early '80s.
Q: Was there ever a period when the smoking incidence of an age group different than 18 to 24 was used?
MR. WILLIAMS: You're going to have to be specific. What is the question?
Can I have it back?

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(Previous question read by reporter.)
MR. WILLIAMS: Smoking incidence? Can you rephrase that.

BY MS. SAMUELS:

Q: I believe, Mr. Moore, you stated before that in doing this research of new adult smokers, you looked at the size of the 18 to 24 year old population and also the smoking incidence rate among that population.
A: Correct.
MR. WILLIAMS: Yes. But my problem was with the next question, which I'm not sure was sequitur from the previous question.

BY MS. SAMUELS:

Q: Was there ever a period, since you've been at Reynolds, that you looked at the size and smoking incidence of a different group than 18 to 24 year olds to –
A: We did it for all the groups when we were doing the long-range forecast – 18 to 24, 25 to 34, 35 to 49, and over – 50 years and over – smoking incidence and size of the population among those groups. And then we aged that out into time and said assuming – given the government census and population forecast, assuming the smoking incidence

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stayed with that group or whatever, then what would the size of the industry be, what would brands look like out five, ten, fifteen years into the future.
So it wasn't just the 18 to 24 year old group. It was all the relevant age groups that you could then age out in time, five, ten, fifteen years.
Q: Did that ever include 14 to 17 year olds?
A: Only in that one specific incident when we were doing the forecast.
Q: What's the definition of a new smoker?
MR. WILLIAMS: I think he said he's familiar with the definition of –
THE WITNESS: Well, we don't collect information on new smokers. Therefore, we only – we just get an inference measure or guesstimate as to how many new adult smokers may be in the market based on the methodology that I just mentioned.

BY MS. SAMUELS:

Q: Are those kinds of projections – if that's the right word – being done today still at Reynolds?
A: Not to my knowledge. I don't know of anyone that's doing that.
Q: Do you know when Reynolds may have stopped

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trying to predict the number of new smokers or trying to forecast the number of new smokers in the population?

MR. WILLIAMS: I'm going to object. He said they did it once in connection with forecasting. So I don't understand what you mean by when they stopped. It was not a repetitive, continuous survey they were doing. They did it once. He's already told you when they did it.

THE WITNESS: That's my only familiarity with it.

BY MS. SAMUELS:

Q: So the projections that we discussed for 18 to 24, 25 to 34, and 35 to 49 year olds were only done once?

A: No, those age groups – those adult smoker age groups are tracked in terms of smoker incidence and those kinds of things out of Tracker on an ongoing basis, and that data is just routinely recorded, but – you know, among the age and sex demographic data among adult smokers by brand is reported on an ongoing basis.

Q: And does Reynolds use that data to forecast the number of new smokers?

A: Not today, no. It's just to profile brands

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in terms of their age and sex demographics and compare brands and look at share of smoker information among demographic groups.

Q: So when did the forecasting projects that included 18 to 24, 25 to 34, and 35 to 49 year old people that were used to forecast the number of new smokers stop being conducted at Reynolds?

A: I can't recall exactly, but that work was done – as I said before, I believe that work was completed in the very early '80s in preparation for the Tobaccoville and Whitaker Park facilities.

And when that decision was made to build those plants, the forecasts were stopped.

The other thing that drove us to stop that, is that we found that the information wasn't very useful to us in helping us to prepare long-range forecasts. We didn't know that initially at the time we started.

But that was, like I said, only one set of data in conjunction with many other things that we were looking at. And it was dropped because it wasn't particularly useful in helping to develop long-range forecasts.

Q: Why wasn't it useful?

A: There was too much uncertainty surrounding

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it. We had very, very small sample sizes which weren't very reliable, particularly in – that was definitely true among the 14 to 17 year old age group. It was very statistically unreliable.

The second reason was that there were other factors affecting industry volume and brand volumes, such as pricing and taxes and so forth, that were much more influential in terms – and had a bigger impact on the longer range outcome.

Q: When you were doing this forecasting work, was that in the late '70s, early '80s period?

MR. WILLIAMS: Which forecasting work?

MS. SAMUELS: The first forecasting work you did at Reynolds.

THE WITNESS: The first forecasting work I did?

MS. SAMUELS: Uh-huh.

THE WITNESS: I've been involved with forecasting for Reynolds since the day I came to work at Reynolds.

MS. SAMUELS: Okay.

THE WITNESS: In various forms, from assisting with the forecast and trying to improve the methodologies all the way through – up until about three years ago, where I was actually managing

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the – that function.

So my involvement, that's been throughout my career with Reynolds.

BY MS. SAMUELS:

Q: Let's talk about the period of the early '80s. At that time, how would a forecasting project be initiated?

MR. WILLIAMS: He's already testified to this.

THE WITNESS: I thought I had answered that question.

But there were two types of forecast. One was the manufacturing production scheduling, manufacturing distribution forecast, which was an ongoing weekly updated forecast for production scheduling, distribution of products.

The other was essentially the annual planning forecast which, again, was an ongoing thing, usually updated quarterly, which was more for financial planning for the company, in terms of – and the only exception to those was when we got into this longer range forecasting project, which we've been discussing for the Tobaccoville, Whitaker Park facilities, a long-range planning kind of issue.

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BY MS. SAMUELS:
Q: Who instructed your department on what kinds of forecasting research or projects to conduct?
A: Executive management.
Q: Who in executive management?
MR. WILLIAMS: Whoa, whoa, whoa. At what period of time?
MS. SAMUELS: Early '80s.
MR. WILLIAMS: You started off by saying when did he start to do this. And that goes back to the '70s. Are you into the long-range forecasting, who instructed him to do that, or his general forecasting duties?
MS. SAMUELS: The forecasting duties you had in the period of the early '80s.
THE WITNESS: The long-range forecasts?
As I said, outside of this long-range facilities planning forecast, the rest of the function was an ongoing function. And it was to meet the executive management needs for financial planning for the company and – and also the manufacturing production needs of the company.
That was an ongoing function, and the frequency of updates for that and so forth were whatever specified by executive management in terms

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of what they thought the company needs were. Some of that was for reporting to corporate management purposes, in terms of their planning.
The long-term facilities development forecast was, again, an executive management request, because they were considering replacing and upgrading those facilities.
BY MS. SAMUELS:
Q: And who in management requested that that work be done?
MR. WILLIAMS: Which –
MS. SAMUELS: The long range.
THE WITNESS: The long-range forecast? I believe specifically it came from Gerry Long.
BY MS. SAMUELS:
Q: Did that come from Mr. Long directly to you?
A: Through my manager.
Q: Which was who at the time?
A: I believe – I believe I was still reporting to Uzie Frydman at that time. At least part of the time. It may have been Larry Hall after that. So it – I forget the exact – somewhere during that time period I think Uzie exited and maybe I was reporting to Larry Hall.
Q: So there were certain kinds of reports or

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research that were done on a regular basis; is that correct?
A: Correct.
Q: And there were other types of research or reports that your department received requests to do?
A: As a special request to do, right.
Q: Besides the long-range forecasting or planning research that we just discussed, were there any others that your department received special requests to conduct?
MR. WILLIAMS: Do you recall? We're back in the 1980s now.
THE WITNESS: Yeah.
MR. WILLIAMS: That's fifteen years ago.
THE WITNESS: No, I don't recall any others. We'd get forecast – we'd get questions about the forecasting we had issued, but things of that nature. But as far as specific projects go, I'm – I don't recall any, no. Certainly nothing of that nature.
BY MS. SAMUELS:
Q: Did Mr. Frydman have any brand marketing responsibilities in the early '80s?
A: No, he did not.

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Q: How about Mr. Long?
A: Gerry Long was an executive vice president. I think he had sales marketing and some other functions of the company and was also part of the Executive Committee which was certainly responsible for long-range planning for the company.
So – I mean, as far as a brand – responsible – I mean, he had responsibility for all of marketing and all of sales and – as an executive, not specifically for a brand.
Q: During that period of the early '80s, did any employee in brand marketing ever instruct you to do a particular type of research or report?
A: No. They would – they would request forecast information from us, the forecast itself, in terms of volume and share of market, projections, and information on pricing and things that we – like that that we track. But nothing – they were never involved in – nor did they utilize nor did we issue to them anything having to do with a small-range forecast.
Q: Still in the period of the early '80s, who would your forecasting documents be distributed to within Reynolds?
A: There were only two types of individuals.

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Those that were directly involved with the long-range planning of the company as part of the executive group, you know, that would – had to have been involved in making the decisions about the expenditures on the facilities themselves, and then others in the marketing research department that had a need to be aware of information that went into these forecasts, either from a standpoint of being able to speak to the validity of the forecast or would have some input into how we might improve forecasts.

Q: Were those reports distributed to anyone in the marketing department?

A: Only – no one in brand marketing. I believe it was distributed to perhaps the head of marketing who was part of the Executive Committee on the long-range planning. But not below that level nor to anyone specifically working on the brand.

Q: Who was the head of marketing in the early '80s?

A: You know, I don't recall. I'm sure if – if you look at the reports, there would be – likely be a name on there.

Q: Now I want to talk about the period from 1971 to the present. Has anyone in brand marketing

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ever instructed you to do a particular type of research or report?

A: I get research requests for reports all the time. What type of report are you referring to?

Q: From brand marketing.

A: That's my job. Yes. I do that every day. I work with brand marketing, sales, executive management, with the research people. Take all kinds of requests, yeah.

Q: Is there any typical kind of request that someone in brand marketing might make to you?

A: Well, it's certainly – it's something within my area of expertise, of course. But whether I would say it's something that's typical or repetitive or ongoing, no. I mean, I get a broad range of requests and problems to look at and issues to be involved in, company issues.

Q: Has anyone in brand marketing ever instructed you to do research or reports on the sales volume of that particular brand?

A: Yes.

Q: How about the share of market?

A: Share of market, yes.

Q: How about the share of market for different age groups?

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A: That's not something that my group gets involved with – or got involved with, or gets involved with on an ongoing basis. Our only involvement with that, as I mentioned before, was this long-range forecast.

Q: Where would someone in brand marketing get that information, share of smoker by age group?

A: They would get it from Tracker, from Tracker reports that are issued. Or, you know, it's on our computer system on an ongoing basis. They could access it.

Q: Is there a particular department that's responsible for Tracker?

A: There is a group that manages the data, but the group that's actually responsible for Tracker, I would say, would be Dave Iauco and Doug Weber's group. They're the ones that deal with that information.

Q: And does the same answer apply for share of market among particular age groups?

A: Yeah. That's the same source, same people.

Q: And Tracker currently includes data on people aged 18 and above?

A: That's correct.

Q: Is it true that there are currently some

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types of research and reports that are limited to people over the age of 21?

A: Yes.

Q: Do you know which ones those are?

A: I don't know specifically, because I don't conduct consumer research. Again, that's done by Dave Iauco and Doug Weber's area.

Q: Okay. Going back to the early '80s, did you ever have any communications with Mr. Iauco?

A: I don't remember Dave's responsibilities in the early '80s. It's – it's certainly possible from the standpoint of doing company and brand forecasts, because there are many, many users of the volume and share forecast for the company.

Q: Did you ever have any communications with Lynn Beasley during that period?

A: I don't believe so. I don't – I'm not sure she was even with the company then. Or, if she was, she may have been relatively new, and I wouldn't have had any reason to have any contact with her at that time.

Q: Have you ever worked directly with Ms. Beasley?

A: Occasionally, more recently.

Q: On what kinds of projects?

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A: Forecast issues and on – certainly some of my current responsibilities relate to her job as being over marketing in terms of resource allocation and making recommendations on how brands price and promote and so forth in the market – merchandise in the marketplace.

So, yeah, in the last couple of years, especially, I've had contact with her.

Q: Back to Mr. Iauco for a second. If he was the brand manager for Camel in the early '80s, is it likely that you would have had communications with him?

MR. WILLIAMS: Now he's just speculating. He says he doesn't recall any.

THE WITNESS: I don't recall. But I did say specific – the short and the annual plan forecast information certainly went to all of the brands. They utilized that in their planning, their work. And if he was that brand manager, then, yes, he would have received that information, and we would have had some conversations, I'm sure, regarding those forecasts in the normal course of my work.

BY MS. SAMUELS:

Q: During the early '80s, did you ever have

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communications with Fran Creighton?

A: I'm sure I did. I believe Fran may have been in marketing research at that point in time. I don't remember when she moved to the marketing department.

Q: Did you ever work directly with her?

A: No.

Q: During the early '80s, did you have any communications with Mr. Caufield? I believe his first name is Rick.

A: Rick Caufield. I don't remember any specifically. Again, he may have been one of the ones that was a user of forecast information.

MR. WILLIAMS: Let's not speculate, Jerry.

THE WITNESS: I don't know.

BY MS. SAMUELS:

Q: Do you know Mr. Caufield?

A: I know who he is, yes. I've met him.

Q: Did you ever work directly with him?

A: Not other than in the course of the forecast.

Q: How about Mr. Blackmar, did you ever have any communications with him in the early '80s?

A: Again, I don't remember specifically.

Q: Do you know him?

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A: Yes, I know him.

Q: Have you ever worked directly with him?

A: On one occasion in his current job.

Q: And what was that occasion?

A: They were just looking specifically for some recommendations in terms of or someone that they could work with that had quantitative expertise to help improve our data base, internal data bases on consumers for direct marketing purposes.

Q: Now, Tracker is considered an internal data base?

MR. WILLIAMS: I'm going to object. What do you mean by "internal"? You can ask him how he – what he knows about Tracker and who prepares it.

BY MS. SAMUELS:

Q: You just used the phrase "internal data base" in your previous answer discussing the work you did for Mr. Blackmar.

A: Consultation with Mr. Blackmar.

Q: What does that mean and what does internal data base mean?

A: It means it's not a – it's not a shared data base that would be available to our competitors, for example.

MR. WILLIAMS: Thank you.

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BY MS. SAMUELS:

Q: Is Tracker an internal data base?

A: In that sense, it's collected specifically for RJR, right.

Q: Are there any other internal data bases?

MR. WILLIAMS: Well, hold on. For what purpose? This is a huge corporation. There are myriads of data bases. Can you be more specific?

BY MS. SAMUELS:

Q: For the purpose of collecting information on smokers.

MR. WILLIAMS: Same information – same objection. This is a company that markets to smokers. They have significant data bases on smokers.

MS. SAMUELS: Do you understand the question, Mr. Moore?

THE WITNESS: No, I don't. I mean, I understand the question, but –

MR. WILLIAMS: My objection is it's too broad to possibly answer.

BY MS. SAMUELS:

Q: The work you consulted on with Mr. Blackmar, that was to improve internal data bases you said for direct marketing purposes?

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A: One specific data base, yes.
Q: What's the name of that data base?
A: I think we call it our smoker data base.
Q: During the early '80s, did you have any communications with Mr. Pennell?
A: I don't believe so.
Q: Do you know him?
A: Yes, I do.
Q: Have you ever worked directly with him?
A: Yes. In fact, my current boss reports to Cliff Pennell currently.
Q: How about at any other periods other than your current position?
MR. WILLIAMS: How about at any other periods other than your current position for what?
BY MS. SAMUELS:
Q: Have you ever worked directly with Mr. Pennell during any other periods other than your current position?
A: In the last few years, yes.
Q: In what way?
A: In looking for factors that were affecting Doral's performance in the marketplace when he was responsible for the Doral brand and ways for it to be more competitive with its key competitors, GPC

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and Basic.
Q: Anything else?
A: That was it.
Q: How many data bases at Reynolds track smokers?
MR. WILLIAMS: Can you define what you mean by tracking? Object. It's vague and undefined.
MS. SAMUELS: Do you understand the question?
THE WITNESS: In the sense that I understand it, only one, which is Tracker.
BY MS. SAMUELS:
Q: What is the smoker data base – what's the function of the smoker data base?
A: The function of the smoker data base is to maintain a large mailing list of known adult smokers that can be contacted through the mail, either to provide brand information or to make promotional offers to.
Q: How many of the data bases at Reynolds include information on smokers?
MR. WILLIAMS: Do you know?
THE WITNESS: No others that I know of.
BY MS. SAMUELS:
Q: So Tracker and the smoker data base are the

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only data bases that you know of?
A: Tracker is the only tracking data base.
Q: Right.
A: The smoker data base just contains names of adult smokers that have been acquired that go into that data base for marketing purposes.
Q: And my question was going to be: Are these the only two data bases that you know of at Reynolds that include information on smokers?
A: The only two that I know of, yes.
Q: Are there any other data bases that concern smokers in any other way?
MR. WILLIAMS: Object. It's overly broad.
THE WITNESS: I'm not sure what you mean by that.
MR. WILLIAMS: Vague.
THE WITNESS: Data – I'm not sure what you mean.
MR. WILLIAMS: What do you mean by "concern smokers"? I mean, it's a tobacco company.
BY MS. SAMUELS:
Q: We seem to have decided that there are numerous data bases at Reynolds that somehow contain information about smokers; is that correct?
A: Those are the only two that I know of that

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contain information about smokers. There are many other data bases, like sales data bases and shipment data bases, and those kinds of things. But they have no – no smoker information in them.
Q: Are there any data bases that contain information about smoking, for example, smoking rates in the population, or smoking incidence, that kind of thing?
A: You couldn't get that without having informing on smokers. And those are the only two data bases that have information on smokers. So, no, wouldn't think so.
Q: So in the early '80s, again, did you have any communications with any brand managers?
A: On a daily basis, yes, as part of my job.
Q: For what purpose?
A: For the forecast. We talked about that.
MR. WILLIAMS: He's already said that is his job. What are you looking for? He'll answer any specific question. But he's consistently testified what his job was. And you keep coming back and saying – asking the same questions again.
He had daily contact or periodic contact with brand managers as part of his job. That was

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his job. At least part of it.

BY MS. SAMUELS:

Q: During the period of the early '80s?

A: Yes.

MR. WILLIAMS: Yes.

BY MS. SAMUELS:

Q: When you were doing the long-range forecasting?

A: That was only one function of what I did, and that was not for brand management. So my contact with brand management was not about the long-range forecast. It was on the other aspects of my job, yes.

Q: Did anyone from brand marketing contact you during that period with questions about any of your research or reports regarding the long-range forecasting?

A: No, ma'am. In fact, I'm not – I don't believe they were even aware of it.

Q: Okay.

MR. WILLIAMS: We're getting about to 12 o'clock. Are you about done?

MS. SAMUELS: Yes, this is probably a good place to stop actually. And we will continue again tomorrow morning at eight o'clock.

THE WITNESS: Okay.

MR. WILLIAMS: Let me just say, there has been some significant discussion between Diane Burrows' attorney and Mr. Shonka about her availability the next couple of days. It is unclear.

And so there may be – I'm the only one down here. There may be some changing around in that schedule.

Let me just ask you: If we can't start at eight o'clock or if we have more of Thursday open, would you consider a later start time tomorrow?

MS. SAMUELS: Yeah. That's –

MR. WILLIAMS: That would be more convenient to the witness.

MS. SAMUELS: That's fine.

MR. WILLIAMS: So let me do this: Are you going to be in contact with Mr. Shonka today?

MS. SAMUELS: Yes.

MR. WILLIAMS: We will set it up with him.

MR. FRANKEL: As long as we understand the time sequence.

MR. WILLIAMS: Of course. That's fine.

(Signature reserved.)

(Deposition recessed at 12:00 p.m.)

CERTIFICATION O F REPORTER

DOCKET/FILE NUMBER: D09285

CASE TITLE: R. J. REYNOLDS TOBACCO COMPANY

HEARING DATE: JUNE 3, 1998

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the notes taken by me at the hearing on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

DATED: JUNE 4, 1998

ELIZABETH S. GIRVAN

CERTIFICATION O F PROOFREADER

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation, and format.

CRYSTAL WENDT

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

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I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this

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WITNESS: Jerry R. Moore (Volume I)
DATE: June 3, 1998
CASE: DO9285
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JERRY R. MOORE

EXPERIENCE

R. J. Reynolds Tobacco Company, Winston-Salem, N. C. **1971-Present**

Director of Program Analysis - Business Strategy & Planning, 1995-Present
Director of Decision Support - Business Information & Analysis, 1993-1995

Responsible for improving Marketing/Sales spending effectiveness by developing and recommending resource allocation strategies and tactics through analyses of the impact of retail trade and marketing programs on share of market, volume, and profitability. Analyses include price, retail promotion, merchandising, display, and other factors affecting business performance. Responsible for providing on-going analyses of RJR marketplace performance and identifying performance issues.

Director of Business Analysis/Forecasting - Business Information & Analysis, 1983-1993

Responsible for identifying and analyzing factors affecting business performance, recommendations to improve marketplace performance, developing operating and strategic plan forecasts (volume and share of market). Responsible for short term Manufacturing/Distribution forecasts (weekly level by SKU by warehouse) for production scheduling and controlling warehouse inventory levels.

Group Manager of Quantitative Research - Marketing Research, 1975-1983

Responsible for managing the application of quantitative research, modeling, and statistical applications to design, analyze, and interpret marketing research projects and for providing problem-solving guidance to the entire Marketing Research Department on all phases of consumer and sales research.

Manager of Statistical Applications - Marketing Research, 1971-1975

Responsible for problem definition, research design, interpretation, conclusions, and recommendations on major marketing research projects employing usual marketing research methods along with modeling and statistical techniques.

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JERRY R. MOORE

Ashland Oil, Inc., Ashland, Ky. 1969-1971

Statistical Analyst

Responsible for designing and analyzing experiments for research and development, evaluating test methods and quality programs, and for developing statistical techniques for use by management and technical personnel throughout the company.

Tennessee Eastman Company, Kingsport, Tenn. 1965-1966, 1968-1969

Statistician

Responsible for statistical consulting to research, development, and manufacturing production groups within the company.

EDUCATION

Virginia Polytechnic Institute	B S Degree	1965
Virginia Polytechnic Institute	M S Degree	1968

Majored in Statistics with concentration in mathematical modeling and experimental design. Also worked for Hercules, Inc. as Process Engineer responsible for statistical analysis directed toward process improvement and investigation.

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